ASACC's Vice President for the southeast Region, and a student at Thomas Nelson Community College at Hampton, Virginia, who is now a member of AmeriCorps.

In my years at Northern Virginia Community College, I have held several student leadership positions, including President of our Student Government Association, and President of our campus chapter of Phi Theta Kappa, the International Honor Society of two-year colleges. These activities have made me very conscious of how important and indispensable the federal student aid programs, and especially Pell Grants, are to our students in their pursuits of marketable skills and worthwhile careers

As popular as Pell Grants are, I believe they are under-appreciated as an engine of American competitiveness. Higher education as a community should bear the blame for not doing more research to document the economic significance of Pell Grants: but the general evidence is very plain to see.

As you already know, community colleges have become the nation's largest source, outside industry itself, of the advanced technical training (and retraining) that American workers must have to keep themselves globally competitive in the 21st Century, and to maintain the standard of living that most of us enjoy.

Approximately 11 million students of all ages are now taking credit and non-credit courses annually in the two-year colleges, most of them pursuing better job skills. In some states, the community colleges are tempted to boast that they are the largest graduate school, because they now serve more students with bachelor's or higher degrees than the senior institutions of their state.

Roughly one-third of the full-time equivalency of all this enrollment is identified with students receiving Pell Grants, according to estimates we've heard from various campuses.

Spot surveys of former Pell Grant recipients, made by three colleges at ASACC's request, are giving us a dramatic picture of how the grants have enriched the recipients' lives and work paths.

The latest returns, from Pell grant alumni of North Central Technical College in the district of Rep. David Obey of Wisconsin, typically show a very substantial economic return on the federal investment.

With such positive findings among community colleges, which serve the greater numbers of high-risk students, we have to believe that the same survey done by four-year colleges, public and private, would show equally impressive if not more striking correlations between Pell Grants and post-college success. We believe higher education owes the Congress broader and deeper data in this vein. Pell Grants have helped about three times as many Americans pursue their American Dream, as the four separate GI Bills have. We regard Pell Grants as the best competitiveness policy Congress has yet devised, and colleges essentially have been taking the program for granted.

Summing up our concerns, we emphasize the importance of smaller Pell Grants in community colleges. Our commuter and part-time enrollments are significantly higher than those of four-year colleges. Willie wants to elaborate on this point. Congress will undercut both national competitiveness and the American Dream if it caps either Pell Grant funding or the total awards. The threshold grant should remain $400, and the grant maximum should be increased again.

Funding should also be increased for Work-Study. The benefits could be spread to greater numbers of needy students, if the local matching requirement were increased by 5 percent. Innumerable low-income students taste their first real employment through campus work-study.

I cannot close without expressing deep concern over the expiration of tax code Section 127. The very modest federal contribution to Employee Education Assistance—modest in relative terms—has proven to be another powerful engine of competitiveness. We are actively supporting H.R. 127, which would restore EEA permanently. Because of their low cost, community colleges are the most frequent choices among workers using this incentive to upgrade their job skills. It will be a sad step backward for both the American Dream and workforce productivity if this Congress fails to reinstate Section 127 retroactively.

This policy should never be mistaken for federal give-away—employers are not about to waste tuition payments on workers who can't benefit from the courses they want. I wish I could recall the source of data a decade or so ago that showed that workers who have either two-year or four-year degrees have careers several years longer than those with only a high school diploma or equivalency. Ignoring any promotions, the added federal taxes from those longer careers would alone repay the ''revenue foregone'' a hundred-fold or more.

As students, we will do our best to answer your questions. We respectfully ask that the record of this hearing include the ASACC statement of priorities for this session of Congress.

Again, we thank you for investing our testimony.

THE HONORABLE DON RITTER: HELPING THE PEOPLE OF AFGHANISTAN BUILD A BRIGHTER FUTURE

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. WILSON. Mr. Speaker, I have devoted a significant amount of effort over the years assisting the people of Afghanistan in their struggle for freedom and peace. During difficult periods and in pivotal policy debates, I could always count on a key Member of Congress—Don Ritter. Hence, I wish to express my sincere gratitude to a remarkable individual who has consistently stood with the people of Afghanistan and other freedom loving peoples worldwide during some of their darkest hours and most critical battles. For well over a decade, I have had the distinct honor and pleasure of working with the Honorable Don Ritter, an aggressive champion for freedom and human rights.

As one of the leading congressional proponents of United States assistance to the people of Afghanistan during the Soviet invasion and occupation, Don Ritter continues to seek to build international support for solutions to Afghanistan's problems. Don Ritter is now forging the Washington, District of Columbia-based, Afghanistan Foundation. Ritter seeks to build his organization into a national and international vehicle that will help to bring peace, stability, and prosperity to Afghanistan.

Don Ritter was a leader of the American effort to help the people of Afghanistan throughout the 1980's, working closely with Afghan community and resistance leaders here and abroad. He was the first Member of Congress to act publicly using his position as senior member of the Congressional Helsinki Commission to engage that body in the Afghan human rights and policy debate.

To discuss founding the Afghanistan Foundation, Ritter will be hosting a historic meeting on October 14th in Laguna Beach, CA, with a number of important Afghans who share his vision to help build a brighter future for Afghanistan. Among those attending this special event will be representatives from a variety of Afghan organizations as well as Afghan community and business leaders, professionals, scholars, and artists.

Ritter was the founder of the Congressional Task Force on Afghanistan, the only high level body in Congress to give consistent voice, both public and private, to the cause of freedom for Afghanistan. In this capacity, he helped lead the fight in Congress for humanitarian and military aid to the people of Afghanistan. Congessman Ritter organized a series of historic meetings of task force members with top governmental officials having responsibility for the Afghan assistance program. The Congressional Task Force on Afghanistan played a major role in moving United States policy toward a higher level of positive and practical involvement that helped free Afghanistan from the Soviet military occupation.

Today, Ritter believes that the time has come for the same kind of application of United States policy and influence to help free the people of Afghanistan from the terrible violence and division that have pervaded that country. He sees the Afghan community worldwide as increasing its influence in the professional and business world and ready to assume substantial new responsibility to contribute to Afghanistan's future. The Afghan people have an important and valuable friend in Don Ritter. I salute his efforts to help them bring about a brighter future for their nation.

SPEECH BY JOHN HOLUM, DIRECTOR, U.S. ARMS CONTROL AND DISARMAMENT AGENCY, ON THE COMPREHENSIVE TEST BAN TREATY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. HAMILTON. Mr. Speaker, since the President signed the Comprehensive Test Ban Treaty at the United Nations on September 24, 1996, there are already 100 countries which have followed the U.S. lead. This is truly a significant achievement of this President and his team led by the Arms Control and Disarmament Agency. Such a diplomatic tour de force would not have been possible without the dedicated efforts and personal involvement of the Secretary of State, Warren Christopher and John Holum, Director of ACDA, who were helped by many others in and out of the U.S. Government, not to mention the contributions of many other nations and individuals.

This unique achievement was the subject of a speech by Mr. Holum at the American Bar Association on September 26, 1996. Mr. Holum, in his speech, clearly articulates the CTBT's contribution toward erecting a mighty political barrier to any more nuclear explosions

anywhere and at the same time makes a convincing case of how this treaty does not compromise U.S. national security, even as we wait for its entry into force. The text follows:

The crux of my message today is legal, and so I'm grateful for this sophisticated audience of international lawyers, and the chance to discuss the full implications of events earlier this week in New York.

Two days ago, at the United Nations, President Clinton signed the Comprehensive Test Ban Treaty—a major break with the nuclear past, and an immense practical step toward a safer future. It is a landmark achievement for President Clinton, who took a personal and active interest in the effort, and for Secretary Christopher, Secretary O'Leary, National Security Advisor Lake, and many others who played decisive roles.

ACDA, as you know, had the lead in the negotiations and in the backstopping in Washington. That means I'm realizing these days what Casey Stengel said when he defined managing as ''getting paid for home runs someone else hits.'' For this above all is an achievement of a remarkable team of negotiators, policy analysts and advisors, technical experts, secretaries and clerks—and, of course, lawyers, most of whom you know very well, including Tom Graham, Tom's successor as ACDA's General Counsel Mary Lib Hoinkes, and Marshall Brown and Peter Mason, who carried the legal ball in Geneva.

For my own part, aside from relevant internal management and the interagency effort to craft negotiable positions, early on I saw one contribution I could make on the scene in Geneva. It began when the negotiations opened in January 1994, and I went there and made a speech on the test ban to a plenary session of the Conference on Disarmament. I threatened to keep coming back about every six months and making more speeches until the Treaty was completed. And I make good on that threat.

The only problem turned out to be that India apparently really liked those speeches—and so was prepared to keep the negotiations going for many more years to come.

As you know, that obstacle was surmounted. And so we have completed an effort that has been building since the fallout fears of the 1950s, the verification jockeying of the 1960s, the ''missile gap'' perceptions of the 1970s, the further MIRVing of the 1980s, and now the strategic reductions of the 1990s.

Ever since the Trinity test made glass of the desert sand near Alamagordo, New Mexico in 1945, testing has proved a hard habit to break. Partial measures—the Limited Test Ban Treaty of 1963, the Threshold Test Ban Treaty of 1974 and the Peaceful Nuclear Explosions Treaty of 1976—curbed its most frightening environmental harms, but hardly broke its military momentum. Indeed, most of the world's nuclear tests have occurred in the years since 1963, when the LTBT drove them underground. And with continued testing, nuclear arms capabilities have proliferated horizontally to more countries, and vertically, to fearsome heights of power, portability, and efficiency.

Still, for all the Treaty's historic importance, its practical effect is widely underestimated. Indeed, the entry into force provision probably has received more attention than all the rest of the Treaty combined. For that provision, as you know, establishes as indispensable for entry into force a group of countries that have in common Conference on Disarmament membership and either nuclear power or research reactors—a total of 44 nations. Among them is India. India says it won't sign. That, it is said, makes the Treaty a nullity.

Today I want to discuss with you just one issue, which is why that proposition is wrong—why the CTBT, as it stands, in fact means that more than half a century of nuclear testing is over, at least as surely as anything ever can be in international affairs

I'll address that based upon both the Treaty's political effect and its legal effect now, as well as what we intend to do bring it formally into force.

THE POLITICAL EFFECT OF THE CTBT

The CTBT's political effect has already been considerable. All five declared nuclear weapon states have already stopped testing, in anticipation of the Treaty and under the spotlight of the negotiations. Most recently that has included China. Remember that it also includes a French government under President Chirac that hardly anyone thought would agree to this step.

The restraining effect was powerfully reinforced when virtually all of the now-61 members of the Conference on Disarmament agreed on the text that Chairman Jaap Ramaker of the negotiating committee drew out of nearly three years of painstaking negotiation. For the first time in history, all five of the declared nuclear weapon states accepted not only the principle of a test ban, but every clause of a completed text. At the last minute in Geneva, India was joined only by Iran in blocking consensus—but then Iran voted for the Treaty in New York, so 60 out of 61 CD members came to be in favor.

Next, through an initiative by Australia, an overwhelming margin of UN members—158 to 3—voted in New York to approve the Treaty and open it for signature. On that vote India was joined only by its client state Bhutan and by Libya.

Now we are in the midst of the next step—countries signing and ratifying the Treaty. Thus far 80 countries have done so, including all five of the nuclear weapon states, who signed in succession on Tuesday. Israel also has signed.

The world is acting with unanimity and resolve, in part because we are not so much making new promises as fulfilling existing ones. In particular, in last May's review and extension conference for the Nuclear Non-Proliferation Treaty, there was no dissent to the decision either to make the NPT permanent or to conclude a CTBT no later than this year. And last December the UN General Assembly resolved, by consensus, for an even faster test ban timetable.

What has happened is this: There was considerable sympathy in Geneva and New York for the lofty disarmament mandates in which India wrapped its positions. But there was no sympathy whatsoever for any more nuclear tests by anyone, anywhere, for any purpose. There was certainly no sympathy for the idea that one state should present itself as the world's agent to threaten its own nuclear tests as leverage for further disarmament by others. Instead, the countries of the world were determined to validate the work of the Conference on Disarmament, and claim a forty year dream that could no longer be deferred.

In so doing, no matter what else happens, they have erected a mighty political barrier against nuclear testing. They have declared unmistakably that henceforth the world community will view it as out of bounds for any state. In all likelihood that, alone, will be enough to preclude further nuclear explosions.

THE LEGAL EFFECT OF SIGNING THE CTBT

But there's a strong argument that the CTBT is considerably more than a high political barrier against testing—that the Treaty signings well underway this week erect a legal barrier as well.

As you know, under customary international law as codified in Article 18 of the Vienna Convention on the Law of Treaties, a signatory is obliged, pending ratification, to refrain from any action that would defeat its object and purpose. Broadly speaking, the CTBT's object and purpose is to halt nuclear explosive testing. But we also need to ask, ''Why?'' If the sole aim of the Treaty is to prevent the spread of nuclear weapons to more countries, for example, then arguably its object and purpose would not be defeated if countries that already have such weapons conduct further tests.

Fortunately, we are not left guessing, for the CTBT text speaks to this issue. The Preamble declares, in pertinent part:

''The States Parties to this Treaty . . . Convinced that the cessation of all nuclear weapon test explosions and all other nuclear explosions, by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons, constitutes an effective measure of nuclear disarmament and non-proliferation in all its aspects . . .

It is fair to assume that the parties, being ''convinced'' of these effects, intend them. The nuclear explosive testing to be stopped by the Treaty is conducted both to develop nuclear weapons and to improve them. Accordingly, as indicated by its Preamble, the CTBT's objective and purpose is to arrest both horizontal and vertical proliferation—not only the spread of nuclear weapons to the ''have nots,'' but also their qualitative improvement by the ''haves.''

The text of the CTBT has always reflected this dual purpose. The United States expectation has been affirmed many times, at the highest possible level. Most recently, after he signed the Treaty Tuesday, President Clinton told the UN General Assembly:

''The Comprehensive Test Ban Treaty will help to prevent the nuclear powers from developing more advanced and more dangerous weapons. It will limit the ability to other states to acquire such devices themselves.''

Having identified the Treaty's objects and purposes, the next step is to determine whether they would be defeated by testing. Over the years the United States has developed two basic principles for applying the Vienna Convention rule. First a signatory must take no action that would render its eventual full compliance impossible. Second, it must take no action that would render impossible, at entry into force, re-establishment of the status quote for the signatory as of when it signed. In these ways, the rule prevents a signatory from taking advantage of the situation to effectively deprive other parties of the benefits of their bargain.

By these standards, for example, a country probably could continue to produce chemical weapons after signing the Chemical Weapons Convention, because those made in the interval could still be destroyed, re-establishing the status quo.

Nuclear explosive testing, however, is done to produce something that is not so destructible: knowledge—or specifically experimental data about whether and how nuclear weapons work. And such knowledge, once gained, cannot be rescinded. Once a country conducts a nuclear test, it cannot unlearn the resulting information. Indeed, even if the test data is not used today in weapons design, it remain available tomorrow for analysis and exploitation. A nuclear explosion is a bell that cannot be un-rung.

Yet denial of such experimental data is the heart of the CTBT bargain. For all countries, the CTBT aims to pull the plug on the primary escalator up the nuclear weapons learning curve. So for any country to conduct a nuclear explosive test would be to deprive other countries of the benefit of their bargain—denial of the technological fruits of that activity to the testing country.

It might be argued, of course, that a test could be conducted for a purpose entirely unrelated to those stated in the Treaty—for example, to make sure an existing weapon won't explode accidentally. But the Treaty negotiators concluded, in part at our insistence, that even nuclear explosions confirmed as entirely peaceful are precluded, because they can't be distinguished from tests with weapons value. Some of you may have heard me refer to so-called ''peaceful nuclear explosions'' as the atomic equivalent of a friendly punch in the nose. Whether or not it accepted the characterization, the CD agreed with the conclusion and outlawed PNEs.

In short, because a test cannot be undone, and the resultant data will not disappear, it is reasonable to conclude that any further testing would defeat the CTBT's object and purpose, and thus is precluded by any signatory state—that if a country signs the CTBT, it is legally bound not to test, whether or not it has ratified, and whether or not the Treaty is in force.

THE U.S. IS PROTECTED PENDING ENTRY INTO FORCE

Does this mean the U.S. has signed on to a bad security bargain, because we cannot test while others, who haven't signed, can press ahead?

First, it is important, of course, that all the declared nuclear weapon states, having sighed, are bound to the same extent we are.

Moreover, note that the obligation not to frustrate the object and purpose of the Treaty does not usurp the Senate's constitutional role of advice and consent to ratification. So if we decide based on international developments that restraint is no longer in our interest, we simply have to provide an authoritative national signal that we no longer intend to ratify the Treaty, and we will no longer be constrained. This is considerably simpler than invoking the ''supreme national interest' clause after ratification to withdraw from the CTBT according to its terms.

Meanwhile, we can do a great deal to assess whether other countries are holding to the bargain. Even before entry into force, we have excellent and improving capabilities to monitor compliance.

This baseline confidence derives from our National Technical Means for detecting nuclear explosions—seismic techniques we've been working on for more than 35 years, our satellite nuclear burst detection system, and other assets. Over the years, our seismologists and other scientists have made great strides in event detection, location, and identification—giving us truly sensitive seismic arrays and other forensic techniques of extraordinary utility. Recent strides in computer modeling and data integration are further improving our capabilities. Such efforts have been spurred by the President's call last year to heighten confidence even at very low yields. So even pending the Treaty's entry into force, our national abilities to monitor nuclear testing will stand us in good stead.

WE WILL NOT REST UNTIL THE TREATY ENTERS INTO FORCE

Does all this mean our diplomatic job is done? Obviously not. Formal entry into force remains indispensable. For only this will bring into being the CTBT's full apparatus for verifying compliance, including the International Monitoring. System with four different kinds of sensors, and its International Data Center, where data from these sensors will be compiled, analyzed, integrated and shared. And the Treaty's provision for on-site inspections is an important means of detecting and deterring cheaters—especially in light of recent and emerging advances in detecting the slightest traces of radioactivity that linger for weeks in the vicinity of even a small and well-hidden nuclear explosion.

This is no time to break strike in the hard climb toward entry into force. For we know that a state violating a treaty commitment is even more of a pariah than one violating a powerful international norm . . . that evidence of any violation is all the more credible when every nation has a state and a voice in its discovery . . . that any would-be testing state is less likely to proceed if it has made a conscious decision not to, instead of chafing against an international opinion it does not share.

It is deeply in our interest for the CTBT to be a binding legal commitment on every country—and for every country to participate in its enforcement. So we are determined to bring it into force.

CONCLUSION

More than 30 years ago, John F. Kennedy said of a CTBT, ''The conclusion of such a treaty, so near and yet so far, would check the spiraling arms race in one of its most dangerous areas. And it would place the nuclear posers in a position to deal more effectively with . . . the further spread of nuclear arms.'' President Kennedy was right on all counts. And his vision is now being realized—a truth to celebrate and savor.

Nuclear weapons have been explored twice in war—and more than 2,000 times in contemplation of war, at more than 20 locations around the globe. And all the while, the world's store of knowledge about how the work has continued to mushroom.

Now, after five decades of testing and four decades of calls to end it, the world has said, ''enough.'' At long last we have erected a powerful barrier to further testing.

Let us do out utmost to buttress it, bring it into force—and then enforce it for all nations, for all time.

For as we do, we will ensure that nuclear explosions were known to our century alone—and as the President said at the UN, enter ''a century in which the roles and risks of nuclear weapons can be further reduced, and ultimately eliminated.''

With the era of nuclear testing at an end, we are a giant step closer to that ultimate goal.

TRIBUTE TO PROVIDENCE POLICE DEPARTMENT'S TOP COPS—DETECTIVES FRANK DELLAVENTURA AND FREDDY ROCHA

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. REED. Mr. Speaker, it gives me great pleasure to recognize and pay tribute to two distinguished individuals who have dedicated their lives to protecting Rhode Islanders against crime and violence.

Today, Detectives Frank DellaVentura and Freddy Rocha of the Police Department in Providence, RI, will receive Top Cops Awards for their outstanding service in protecting our Nation's communities. The Top Cops Award is the only national award for officers nominated by their peers in law enforcement.

Across our country, drug abuse is a root cause of the crime and violence that plague our neighborhoods. In recent years, we have made important strides to stop drug-related crime. Law enforcement has been a vital part of this effort, and Detectives Rocha and DellaVentura have been instrumental in this fight.

For example, in 1994, Detective Rocha went undercover to investigate a group of criminals who were identifying themselves as law enforcement agents and stealing drugs and money from drug dealers. Risking his life by posing as a major cocaine dealer, Detective Rocha gathered evidence against this group, which was also linked to organized crime. Winning the group's confidence, he arranged a meeting at which its members expected to receive drugs and money, but instead were apprehended by the Providence SWAT team. The criminals are now serving prison sentences.

Detective DellaVentura has also played a critical role in Rhode Island's fight against drugs. He organized several of the undercover operations in which Detective Rocha has served. In addition, Detective DellaVentura's detailed research, careful surveillance, and thorough knowledge of the requirements of federal law have been essential to these operations' success.

The work of Detectives DellaVentura and Rocha has been nothing short of exceptional. I respectfully ask my colleagues to join me in saluting these Top Cops for their efforts to make the streets of Rhode Island safer for law-abiding citizens.

ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996

HON. ENI F. H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1996

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to clarify the treatment of American Samoans who are nationals but not citizens of the United States under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 contained in H.R. 3610. It is my understanding that the new act does not alter the status or rights of noncitizen nationals.

I am advised that the intent of the new act is to apply the existing statutory definition of alien as set forth in the Immigration and Nationality Act [INA]. 8 U.S.C. §1101(a)(3). Under the INA, noncitizen nationals of the United States are not considered aliens, and I am advised that they are not considered aliens under the new act. In some instances, the new act expressly incorporates and applies the existing statutory definition of alien contained in the INA. In other instances, the new act amends existing law in a manner which automatically invokes the existing INA definition of alien.

Title I of the new act provides for improvement of border control, facilitation of legal entry, and interior enforcement. For purposes of title I, the INA definition of alien is specifically incorporated. §1(c).

Title II of the new act covers alien smuggling and document fraud, and it amends both the INA and the criminal statutes contained in title 18 of the United States Code. The amendments of the INA are automatically subject to the existing INA definition of alien. I am advised that criminal provisions in title 18 of the Code involving immigration offenses are